

MICHIGAN



"PROTECTING THE RIGHTS OF
PERSONS WITH DISABILITIES"

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PROTECTION & ADVOCACY
SERVICE, INC.

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**TESTIMONY OF MARK McWILLIAMS,
MICHIGAN PROTECTION & ADVOCACY SERVICE, INC.,
ON RESTRAINT AND SECLUSION IN SCHOOLS**

I'm Mark McWilliams, Director of Public Policy and Media Relations at Michigan Protection & Advocacy Service, Inc. (MPAS). MPAS is the nonprofit, nonpartisan, federally mandated protection and advocacy agency that serves people with disabilities in the Great Lakes State.

In 2009, U.S. Secretary of Education Arne Duncan wrote to state superintendents about the "abusive and potentially deadly misapplication of seclusion and restraint techniques in schools." He urged each state to "review its current policies and guidelines regarding the use of restraints and seclusion in schools *to ensure every student is safe and protected.*"

In Michigan, seven years after Secretary Duncan's letter and 13 years after two students died while being restrained in school, thousands of Michigan schoolchildren are harmed by restraint and seclusion. Public schools are still the only service system where these practices remain unregulated and unreported.

MPAS supports legislative efforts to reduce the use of restraint and seclusion in schools. The bills before you strike a good balance between the legitimate needs of educators and the safety of children.

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We have provided detailed written information for the hearing record. This information includes our 2009 report, a 2009 report by the federal Government Accountability Office, a 2012 report from our national association, and a 2015 report from the State of Connecticut. We have included a press release from the Council for Exceptional Children, the nation's premier organization of educators who work with children with disabilities, reporting that there is no legitimate educational purpose for use of restraint and seclusion and expressing its support for significant limits on their use. We also have included fact sheets, stories from parents and school staff about their experiences, and a report from attorney Jessica Butler with an update on what other states are doing in this area. Finally, we include a link to a film featuring young adults and their parents who describe the reality of restraint and seclusion in their own words. The link is <http://stophurtingkids.com/the-film/>. In the interest of time, I won't go over all of this information in detail, but I urge you to look at it.

When I tell people I know that restraint and seclusion are legal in Michigan schools, without any kind of restriction, the first reaction I often get is, *"That happens in America?"* You will likely hear from a parade of school staff who may tell you how important it is to use force on children - how it's educational, how students need it, how dangerous schools would be without it, how expensive it would be to change the school culture. I urge you, when you hear the rationalizations, to trust your instincts and search your hearts. Imagine, as a parent, your child is being subjected to force, shut into a closet or held down by adults, trained or untrained, at any time, for any reason, for any duration, without your knowledge. How would you react to that? Or imagine a family member is a school staff person who arrives at work and is told they must use force against a student, with or without any training or support in the use of safer alternatives, putting herself and the student in danger. Current law allows this to happen.

This legislation is long overdue. We look forward to joining other states in placing meaningful legal limits on the use of these dangerous practices.

Let me introduce two of our board members, both family members of people with disabilities, to give their views.